

Remarks

Claims 1-87 are pending and stand rejected under 35 USC 103(a). No amendments have been made. Applicants respectfully traverse the rejections and assert that all claims are now in condition for allowance as more specifically set forth below.

103 Rejections

The Examiner has rejected claims 1-87 as being unpatentable over Ennis (US Pat 5,867,483) in view of Tams (US Pat 6,327,620), in view of Schaffer (US Pat 6,219,050) and further in view of Schweitzer (US Pat 6,418,467). Applicants hereby traverse these rejections.

Each of the independent claims 1, 14, 25, 36, 43, 49, 60, 69, 78, and 84 recites that the traffic logs are also used to generate billing data for use of the network. As a representative example, claim 1 recites, in part, generating billing data for network use at the second location using information from the stored traffic logs. Thus, in each of the claims, the traffic logs serve the dual purpose of providing information for generating histograms to show network activity as well as providing information for generating bills for use of the network. Support for these recitations can be found, for example, at page 4 where it states that traffic logs are passed up through network 100 and collected at NCC 10 and that traffic logs are used as the data source for customer billing and are also exploited by the present invention to provide insight into the health of the network.

Despite the additional citation of Schweitzer, the cited references do not disclose traffic logs of individual packets being collected for the dual purpose of generating histograms of network activity and generating billing data for use of the network. As noted, Ennis and Tams do not collect traffic logs for each individual packet and do not disclose that such traffic logs created for individual packets contain information that is used for generating billing data for use of the network. While Schaffer discloses collecting packet trace information, where the packet trace information maintains information about individual packets that can be graphed in a display, Schaffer does not disclose that such packet trace information also serves the purpose of providing information used to generate billing data for use of the network.

Schweitzer teaches a system that accesses any network related information such as traffic statistics provided by routers and switching hubs. (Col. 2, l.21-23). “[T]he network devices keep logging . . . statistical information about *their* activity.” (Col.5, l15-23). Gatherer devices automatically gather (Col. 6, l 12-15) the detailed information from the various information source devices and converts the information into standardized information. (Col. 2, l 34-37) and correlates the gathered information with account information for network transaction accounting. (See Abstract). Schweitzer goes on to teach “manager devices also consolidate information. Importantly, the information stored by manager devices represents the *consolidated*, account correlated, network transaction formation used for billing”. (Col. 2, l. 43-47). Schweitzer does not disclose using packet trace information to generate billing data for use of the network but instead teaches using consolidated, enhanced and standardized traffic statistics provided by router and switching hubs. (Col. 10, l. 26-35). As such the teachings of Schweitzer are contrary to claim recitations in that traffic logs pertaining to individual packets are not transferred to a second location where they are then utilized to generate both histograms and billing data at the second location. Because the cited combination fails to disclose each of the elements of the claims, the claims are allowable over the cited combination for at least these reasons.


Conclusion

Applicants assert that the application including claims 1-87 is in condition for allowance. Applicants respectfully request reconsideration in view of the remarks above, and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: May 23, 2005


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